

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DANNY AMEN VALENTINE SHABAZZ

Plaintiff,

v.

BRIAN MOYNIHAN, BANK OF
AMERICA, GARY GRICE, and SMALL
BUSINESS ADMINISTRATION,

Defendants.

Civil Action No. 23-12046 (JXN) (ESK)

MEMORANDUM OPINION

&

ORDER

NEALS, District Judge:

Before the Court is *pro se* Plaintiff Danny Amen Valentine Shabazz’s (“Plaintiff’s”) amended complaint (ECF No. 20) (the “Amended Complaint”) and application to proceed *in forma pauperis* (ECF No. 20-1) (the “IFP Application”). For the reasons set forth below, Plaintiff’s IFP Application is **DENIED** without prejudice and the Amended Complaint is **DISMISSED** without prejudice.

1. In the IFP Application, Plaintiff has not provided the necessary information requested, which calls for applicants to “[c]omplete all questions in [the] application and then sign it” and to “not leave any blanks: if the answer to a question is ‘0,’ ‘none,’ or ‘not applicable (N/A),’ write that response.” Indeed, the IFP Application contains numerous blank entries. (*See, gen.*, the IFP App.). This alone is sufficient to deny the IFP Application.

2. Further, pursuant to 28 U.S.C. § 1915, “if convinced that [Plaintiff] is unable to pay the court costs and filing fees,” the Court may “grant leave to proceed *in forma pauperis*.” *Douris v. Middletown Twp.*, 293 F.App’x 130, 132 (3d Cir. 2008) (citation omitted). Here, the face of the IFP Application demonstrates that Plaintiff is not destitute and is able to pay the applicable court

courts and filing fees. Plaintiff represents that his “[i]ncome amount expected next month” includes “\$7[,]600,000” in “[e]mployment[.]” “\$85[,]000” in “[s]elf-employment” monies, and claims that “Bank of America[.]” the “State of De[.]” and “20th Century Fox/Hulu” owe him a combined \$8,000,000. (IFP App. at 1-2). Thus, the Court dismisses the IFP Application. The Court also dismisses the Amended Complaint for failure to state a claim.

3. Upon submission of the IFP Application, the Amended Complaint is subject to *sua sponte* screening by the Court. 28 U.S.C. § 1915(e)(2). The Court may dismiss the Amended Complaint if it “fails to state a claim on which relief may be granted[.]” § 1915(e)(2)(B)(ii). To that end, the Court applies the same standard of review as that for dismissal under Federal Rule of Civil Procedure 12(b)(6). *Schreane v. Seana*, 506 F.App’x 120, 122 (3d Cir. 2012). Under Rule 12(b)(6), a complaint must contain sufficient factual matter to state a plausible claim. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citation omitted). A claim is facially plausible “when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Ibid.*

4. Here, in addition to failing to comply with Federal Rule of Civil Procedure 10, the face of the Amended Complaint fails to state a claim. Plaintiff alleges in part that the “bank weakened my life position [sic] when they froze the funds on August 24th, 2020 and closed the accounts on August 28th, 2020.” (Am. Compl. at 2). Further, that “Jeff Gill said [that] the SBA Smal Business Administration is responsible for the 7.6 million being frozen[.]” and that we “are also submitting a copyright with Bank of America to show the funds were copyrighted” (*Id.* at 3). Moreover, that “[w]hen these funds were frozen, a business model that worked for 30 years was damaged and multiple lives lost.” (*Ibid.*).

5. The Amended Complaint “lacks any facts to explain the who, what, where, when and why of plaintiff’s dissatisfaction, and therefore wholly fails to comply with *Twombly/Iqbal* and Federal Rule of Civil Procedure 8(a).” *Grambrell v. South Brunswick Bd. of Educ.*, 18-16359, 2019 WL 5212964, at *3 (D.N.J. Oct. 16, 2019) (citation and internal quotations and brackets omitted). Indeed, the Amended Complaint “contains no discernable factual allegations or legal theories that could serve as a basis for recovery against defendants” and, therefore, is “insufficient to put defendants on notice as to the claims asserted against them or the basis for such claims” *Williams v. New Jersey*, No. 8-4620, 2009 WL 1606466, at *1 (D.N.J. June 5, 2009) (citation omitted). Accordingly, the Amended Complaint fails to state a plausible claim against any alleged defendant on its face. *Ashcroft*, 556 U.S. at 678 (citation omitted). For all the foregoing reasons, it is hereby,

ORDERED that the IFP Application (ECF No. 20-1) is **DENIED** without prejudice; it is further

ORDERED that the Amended Complaint (ECF No. 20) is **DISMISSED** without prejudice; it is further

ORDERED that Plaintiff may submit an IFP Application or submit payment in the amount of \$405 within 14 days of this Order to reopen without further action from the Court; it is further

ORDERED that Plaintiff may file an amended complaint within 14 days of this Order to cure the deficiencies discussed herein; and it is further

ORDERED that this matter remains **ADMINISTRATIVELY CLOSED**.

DATED: 3/20/2024

s/ Julien Xavier Neals
JULIEN XAVIER NEALS
United States District Judge